

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OMAR MARQUEZ,

3:17-cv-00492-BR

Plaintiff,

v.

TEMPORARY RESTRAINING
ORDER

BAYVIEW LOAN SERVICING LLC;
SELECT PORTFOLIO SERVICING,
INC.; BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK AS
TRUSTEE ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE
LOAN TRUST 2005-59, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2005-59; and QUALITY
LOAN SERVICE CORP OF
WASHINGTON,

Defendants.

BROWN, Judge.

This matter came for a hearing before the Court on May 18, 2017, on Plaintiffs' Motion (#13) for Temporary Restraining Order seeking to restrain Defendant Quality Loan Service Corporation

from conducting a foreclosure and sale of Plaintiff's home scheduled for May 19, 2017. Defendants received notice and filed their opposition materials shortly before they appeared at the May 18, 2017, hearing.

For the reasons stated on the record at the close of the hearing, the Court concludes it is a very close question as to whether Plaintiff has shown that a temporary restraining order is warranted on this record. The Court, however, finds there may be a temporary risk of irreparable harm to Plaintiff, who is a financial planner and could suffer ramifications to his employment if his residence is foreclosed on May 19, 2017, and the Court needs additional time to complete its consideration of the evidentiary record on this Motion before resolving it.

Accordingly, the Court **GRANTS** Plaintiff's Motion and **TEMPORARILY RESTRAINS** Quality Loan Service Corporation from proceeding with the May 19, 2017, foreclosure sale of Plaintiff's residence.

This Temporary Restraining Order remains in place until **June 12, 2017**, unless the Court issues an Order setting aside or continuing the Temporary Restraining Order and subject to the following condition:

Pursuant to Rule 65(c), the Court requires Plaintiff to post a \$2,000 bond with the Clerk of Court **no later than NOON, May 22, 2017**. Failure to post the bond on or before May 22, 2017, will result in the immediate dissolution of this

Temporary Restraining Order.

CONCLUSION

For these reasons, the Court **GRANTS** Plaintiffs' Motion (#13) for a Temporary Restraining Order and hereby **RESTRAINS** Defendants from proceeding with the May 19, 2017, foreclosure sale of Plaintiff's residence. The Court **DIRECTS** Plaintiff to post a \$2,000 bond with the Clerk of Court **no later than NOON, May 22, 2017**. This Temporary Restraining Order remains in place until **June 12, 2017**, unless the Court issues an Order setting aside or continuing the Temporary Restraining Order.

IT IS SO ORDERED.

DATED this 18th day of May, 2017.



ANNA J. BROWN
United States District Judge